

# **Exhibit 21**

Redacted Public Version

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Case No. No. 1:22-cv-00983-VEC

-----x

NIKE, INC.,

Plaintiff,

-against-

STOCKX LLC,

Defendant.

-----x

August 22, 2023

9:06 a.m.

Video-Recorded Deposition of  
ROBERT L. VIGIL, Ph.D., an Expert Witness,  
taken by Plaintiffs, located at DLA Piper,  
1251 Avenue of the Americas, New York, New  
York, taken before Dawn Matera, a Certified  
Shorthand Reporter and Notary Public for the  
State of New York.

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 DLA PIPER Attorneys for Plaintiff 4 1251 Avenue of the Americas New York, New York 10020 5 (212)335-4500 6 By: MARC MILLER, ESQ. marc.miller@dlapiper.com 7 -and- 8 By: JANE WISE, ESQ. jane.wise@dlapiper.com 9 500 Eighth Street, N.W. Washington, D.C. 20004 10 11 DEBEVOISE &amp; PLIMPTON LLP Attorneys for Defendant 12 66 Hudson Boulevard New York, New York 10001 13 (212)909-6000 14 By: CARL RIEHL, ESQ. criehl@debevoise.com 15 CLARA CORREA, ESQ. ccorrea@debevoise.com 16 -and- 17 By: CHRISTOPHER S. FORD, ESQ. cford@debevoise.com 18 650 California Street San Francisco, California 94108 19 20 Also Present: 21 ADRIAN CHEMEL, Legal Videographer 22 LAURA LEWIS, ESQ., In-House Counsel StockX 23 24 ~oOo~ 25</p>	<p style="text-align: right;">Page 4</p> <p>1 ROBERT L. VIGIL 2 Defendant StockX joined by Chris Ford, 3 and Clara Correa from Debevoise and 4 Laura Lewis from StockX. 5 THE VIDEOGRAPHER: Will the 6 court reporter please swear in the 7 witness and then counsel may proceed. 8 ROBERT L. VIGIL, Ph.D., the 9 Witness herein, having first been duly 10 sworn by the Notary Public, was examined 11 and testified as follows: 12 EXAMINATION BY 13 MR. MILLER: 14 Q. Good morning, Dr. Vigil. 15 A. Good morning. 16 Q. Just a couple of housekeeping 17 matters before we get started. Ms. Lewis 18 from StockX is here in the room so if at 19 any point my questions or your answers 20 touch on material that has been 21 designated by Nike as highly 22 confidential, outside counsel eyes' only, 23 let's try to be aware of that and we will 24 take a pause and ask Ms. Lewis to leave 25 the room.</p>
<p style="text-align: right;">Page 3</p> <p>1 2 THE VIDEOGRAPHER: Good morning. 3 We are going on the record at 4 a.m. on August 22nd, 2023. This is 5 media unit 1 of the video-recorded 6 deposition of Robert Vigil in the 7 matter of Nike, Inc. versus StockX LLC 8 filed in the United States District 9 Court, Southern District of New York, 10 case number 1:22-CV-00983. The 11 location of the deposition is DLA 12 Piper, 1251 Avenue of the Americas, 13 New York, New York. 14 My name is Adrian Chemel 15 representing Veritext and I am the 16 videographer. The court reporter is 17 Dawn Matera from the firm Veritext. 18 Counsel will now state their 19 appearances for the record. 20 MR. MILLER: Good morning. Marc 21 Miller from DLA Piper on behalf of 22 Plaintiff Nike, Inc. and I am joined 23 by my colleague Jane Wise. 24 MR. RIEHL: I am Carl Riehl from 25 Debevoise &amp; Plimpton on behalf of</p>	<p style="text-align: right;">Page 5</p> <p>1 ROBERT L. VIGIL 2 MR. MILLER: If that's okay with 3 counsel? 4 MR. RIEHL: Yes. 5 MR. MILLER: Okay. 6 Q. Okay with you, sir? 7 A. Yes, I don't know specifically 8 what has been designated as outside 9 counsel only. I am assuming counsel for 10 StockX will know that. 11 Q. Understood, I just want 12 everyone in the room to be aware so we 13 can all have our antenna up for that, 14 okay? 15 A. Okay. 16 Q. The other business of 17 housekeeping. I want to ask, I see you 18 have brought copies of expert reports in 19 front of you on the table? 20 A. Yes. 21 Q. Can you please identify what 22 those are? 23 A. Yes, I bought a copy of my 24 first amended rebuttal report that was 25 submitted yesterday and a redline version</p>

<p style="text-align: right;">Page 222</p> <p>1 ROBERT L. VIGIL</p> <p>2 A. I would answer that the same</p> <p>3 way. I don't know the specific</p> <p>4 percentage other than to say in total I</p> <p>5 am deducting about 36 percent of the</p> <p>6 total category of expenses. But it's</p> <p>7 going to vary year by year.</p> <p>8 Q. And you would agree that there</p> <p>9 is some amount of StockX's supply</p> <p>10 acquisition expenses deducted in your</p> <p>11 fixed operating cost calculation,</p> <p>12 correct?</p> <p>13 A. Not that's unrelated to the</p> <p>14 Nike and Jordan trades. But there are,</p> <p>15 in the larger category of fixed</p> <p>16 operations and technology and SG&amp;A</p> <p>17 expenses, there are supply acquisition</p> <p>18 costs that are unrelated to Nike and the</p> <p>19 Jordan trades. I am just not including</p> <p>20 those.</p> <p>21 Q. You would agree that --</p> <p>22 A. And those costs are pretty</p> <p>23 small in total anyway. I believe that</p> <p>24 the supply acquisition costs even in</p> <p>25 later years, I think it was [REDACTED] in</p>	<p style="text-align: right;">Page 224</p> <p>1 ROBERT L. VIGIL</p> <p>2 costs would have continued to be incurred</p> <p>3 because the trades, the Nike and Jordan</p> <p>4 trades, didn't change after StockX</p> <p>5 changed the claims related to its</p> <p>6 inspection and verification process. And</p> <p>7 as I mentioned earlier, costs are related</p> <p>8 to trades, not claims.</p> <p>9 Q. Looking at Exhibit 5, page 2 of</p> <p>10 Exhibit 5, are you aware of any of the</p> <p>11 ops and tech fixed costs that are listed</p> <p>12 on page 2 of Exhibit 5 that were avoided</p> <p>13 as a result of StockX's decision to</p> <p>14 remove the allegedly false advertising</p> <p>15 claims?</p> <p>16 A. I am not aware of it one way or</p> <p>17 the other. It's my understanding that</p> <p>18 the alleged false claims don't impact</p> <p>19 costs at all. So whether you make one</p> <p>20 claim versus another claim, other than</p> <p>21 the cost of making the change of the</p> <p>22 website, I guess, that wouldn't impact</p> <p>23 costs. Costs are impacted by the volume</p> <p>24 of trades. And so if the volume of</p> <p>25 trades changes, then costs would change.</p>
<p style="text-align: right;">Page 223</p> <p>1 ROBERT L. VIGIL</p> <p>2 total, I believe, in 2022.</p> <p>3 And based on a conversation</p> <p>4 with the people at StockX, they indicated</p> <p>5 that early -- the amount of expenses in</p> <p>6 that category earlier on was a lot less</p> <p>7 than that. So it's a pretty small amount</p> <p>8 in total, anyway.</p> <p>9 Q. Would you agree that in or</p> <p>10 around September 2022, StockX ceased</p> <p>11 making or using the allegedly false</p> <p>12 advertising claims?</p> <p>13 A. It's my understanding that they</p> <p>14 started that process in September 2022.</p> <p>15 Q. And what's your understanding</p> <p>16 of when that process was complete?</p> <p>17 A. It's my understanding that it</p> <p>18 was complete by November of 2022.</p> <p>19 Q. Did you evaluate any of the</p> <p>20 fixed costs, that you claim would become</p> <p>21 variable over time, to determine whether</p> <p>22 StockX continued to incur those costs</p> <p>23 after it removed the allegedly false</p> <p>24 advertising claims?</p> <p>25 A. My understanding is that these</p>	<p style="text-align: right;">Page 225</p> <p>1 ROBERT L. VIGIL</p> <p>2 So if it were the case that making the</p> <p>3 change with regard to the claims had</p> <p>4 significantly decreased StockX's Nike and</p> <p>5 Jordan sneaker trades, then I would</p> <p>6 expect that they wouldn't incur all these</p> <p>7 fixed costs. But that's not what we see</p> <p>8 in the data. We see that their volume of</p> <p>9 their trades did not decrease after the</p> <p>10 change was made.</p> <p>11 Q. So the answer to my question is</p> <p>12 no, that StockX did not avoid any of the</p> <p>13 costs in the ops and tech and fixed cost</p> <p>14 category as a result of StockX's decision</p> <p>15 to remove the allegedly false advertising</p> <p>16 statements, correct?</p> <p>17 A. I am not seeing any evidence</p> <p>18 that that is the case.</p> <p>19 Q. And similarly, you have not</p> <p>20 seen any evidence showing that StockX</p> <p>21 avoided any of the costs in the SG&amp;A</p> <p>22 fixed cost category shown in Exhibit 5,</p> <p>23 as a result of StockX's decision to</p> <p>24 remove the allegedly false advertising</p> <p>25 claims, correct?</p>

<p style="text-align: right;">Page 226</p> <p>1 ROBERT L. VIGIL</p> <p>2 A. Because when they remove the</p> <p>3 alleged false advertising claims, the</p> <p>4 volume of their trades didn't decrease as</p> <p>5 Mr. Hansen suggests it would. So yes,</p> <p>6 they did not avoid incurring those</p> <p>7 expenses that were related to the Nike</p> <p>8 and Jordan trades.</p> <p>9 Q. Did StockX lay off any</p> <p>10 employees as a result of its decision to</p> <p>11 remove the allegedly false advertising</p> <p>12 claims in September of 2022?</p> <p>13 A. I am not aware of that</p> <p>14 happening.</p> <p>15 Q. Did StockX terminate any real</p> <p>16 estate leases as a result of its decision</p> <p>17 to remove the allegedly false advertising</p> <p>18 statements in September of 2022?</p> <p>19 A. I am not aware of that and I</p> <p>20 wouldn't expect that, given that the</p> <p>21 volume of Nike and Jordan trades didn't</p> <p>22 change. Didn't decrease.</p> <p>23 Q. Did StockX decide not to renew</p> <p>24 any real estate leases as a result of its</p> <p>25 decision to remove the alleged false</p>	<p style="text-align: right;">Page 228</p> <p>1 ROBERT L. VIGIL</p> <p>2 remove the alleged false advertising</p> <p>3 claims in September of 2022?</p> <p>4 A. I am not aware of that, but I</p> <p>5 would not expect that to be the case in</p> <p>6 light of the fact that the volume of Nike</p> <p>7 and Jordan trades did not decrease after</p> <p>8 that change was made.</p> <p>9 Q. Did StockX avoid any</p> <p>10 maintenance costs as a result of its</p> <p>11 decision to remove the allegedly false</p> <p>12 advertising claims in September of 2022?</p> <p>13 A. I am not aware of that, but you</p> <p>14 also wouldn't expect that in light of the</p> <p>15 fact that the volume of Nike and Jordan</p> <p>16 trades did not decrease as Mr. Hansen</p> <p>17 suggests that it would have after the</p> <p>18 change was made.</p> <p>19 Q. Are you aware of any class of</p> <p>20 categories that StockX avoided as a</p> <p>21 result of its decision to remove the</p> <p>22 allegedly false advertising statements in</p> <p>23 September of 2022?</p> <p>24 A. No, but I wouldn't expect that</p> <p>25 they would avoid costs if the volume of</p>
<p style="text-align: right;">Page 227</p> <p>1 ROBERT L. VIGIL</p> <p>2 advertising claims in September of 2022?</p> <p>3 A. I am not aware of that, and I</p> <p>4 wouldn't expect that in light of the fact</p> <p>5 that the volume of Nike and Jordan trades</p> <p>6 didn't decrease after that change.</p> <p>7 Q. Did StockX close any facilities</p> <p>8 as a result of its decision to remove the</p> <p>9 allegedly false advertising claims in</p> <p>10 September of 2022?</p> <p>11 A. I am not aware of that, but I</p> <p>12 wouldn't expect that in light of the fact</p> <p>13 that the volume of Nike and Jordan trades</p> <p>14 did not decrease after that change.</p> <p>15 Q. Did StockX avoid any tax</p> <p>16 liabilities as a result of its decision</p> <p>17 to remove the allegedly false</p> <p>18 advertising claims in September of 2022?</p> <p>19 A. I am not aware of that, but I</p> <p>20 wouldn't expect that to be the case in</p> <p>21 light of the fact that the volume of Nike</p> <p>22 and Jordan trades did not decrease after</p> <p>23 that change was made.</p> <p>24 Q. Did StockX avoid any equipment</p> <p>25 costs as a result of its decision to</p>	<p style="text-align: right;">Page 229</p> <p>1 ROBERT L. VIGIL</p> <p>2 Nike and Jordan didn't change after the</p> <p>3 change was made.</p> <p>4 MR. Miller: Let's mark this,</p> <p>5 please, as Exhibit 6.</p> <p>6 (Vigil Exhibit 6, Document Bates</p> <p>7 stamped STX0806054, was so marked for</p> <p>8 identification, as of this date.)</p> <p>9 Q. This is the slip sheet and the</p> <p>10 native document behind it. Dr. Vigil,</p> <p>11 you have been handed a document marked as</p> <p>12 Exhibit 6. This is bearing Bates stamp</p> <p>13 STX0806054.</p> <p>14 Do you recognize this document?</p> <p>15 A. Yes.</p> <p>16 Q. What is this?</p> <p>17 A. This is a copy of data that was</p> <p>18 produced by StockX, related to the weekly</p> <p>19 sales and transactions on the GOAT and</p> <p>20 StockX platforms from January 2021</p> <p>21 through, I believe, April 2023.</p> <p>22 Q. And this document was produced</p> <p>23 in connection with your rebuttal expert</p> <p>24 report, correct?</p> <p>25 A. I don't know the circumstances</p>

<p style="text-align: right;">Page 230</p> <p>1 ROBERT L. VIGIL</p> <p>2 under which it was produced.</p> <p>3 Q. You have no understanding of</p> <p>4 whether this document was produced for</p> <p>5 the first time in connection with your</p> <p>6 rebuttal expert report?</p> <p>7 A. I don't.</p> <p>8 Q. How was this document prepared?</p> <p>9 A. I don't know.</p> <p>10 Q. Who prepared this document?</p> <p>11 A. I don't know.</p> <p>12 Q. Did you speak with anyone at</p> <p>13 StockX about this document?</p> <p>14 A. No.</p> <p>15 Q. What representations were made</p> <p>16 to you about this document?</p> <p>17 A. That these represented the</p> <p>18 weekly volumes of sales and transactions</p> <p>19 on the GOAT and StockX platforms over the</p> <p>20 relevant period.</p> <p>21 Q. Who made those representations</p> <p>22 to you?</p> <p>23 A. It could have been someone from</p> <p>24 StockX, I don't recall.</p> <p>25 Q. I just asked you if you spoke</p>	<p style="text-align: right;">Page 232</p> <p>1 ROBERT L. VIGIL</p> <p>2 And so my recollection is that</p> <p>3 the Excel spreadsheet had two worksheets.</p> <p>4 One that said "Observed Sales" and the</p> <p>5 other said "Observed Transactions." And</p> <p>6 so I wasn't clear which was which.</p> <p>7 Q. Let's focus then on the sheets</p> <p>8 that have the title "Observed Sales."</p> <p>9 Where did the information regarding</p> <p>10 GOAT's observed sales come from in column</p> <p>11 B?</p> <p>12 A. It came from StockX.</p> <p>13 Q. Do you have any further</p> <p>14 information beyond that where it came</p> <p>15 from?</p> <p>16 A. No.</p> <p>17 Q. And no one at StockX told you</p> <p>18 how they acquired this information?</p> <p>19 A. No. It's my understanding that</p> <p>20 this is information that they keep in the</p> <p>21 normal course of business that I believe</p> <p>22 they looked at in the past. I just don't</p> <p>23 recall specifically where they obtained</p> <p>24 it.</p> <p>25 Q. In the observed transactions</p>
<p style="text-align: right;">Page 231</p> <p>1 ROBERT L. VIGIL</p> <p>2 to anyone at StockX about this document,</p> <p>3 and you said no. Are you changing your</p> <p>4 testimony now?</p> <p>5 A. I don't recall one way or the</p> <p>6 other.</p> <p>7 Q. Did you learn --</p> <p>8 A. I have an understanding of what</p> <p>9 these data are. I can't recall.</p> <p>10 Q. You just don't know how you</p> <p>11 learned it?</p> <p>12 A. I can't recall the, where the</p> <p>13 understanding came from.</p> <p>14 Q. In column B, I see the heading</p> <p>15 "GOAT" in row 1, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Where did the information on</p> <p>18 column B on this sheet come from?</p> <p>19 A. Well, I think it's a little</p> <p>20 hard to say by looking at this printout,</p> <p>21 because my recollection is that the --</p> <p>22 oh, I am sorry, I see it now. If you</p> <p>23 look at the bottom of the pages it says,</p> <p>24 "Observed sales or observed</p> <p>25 transactions."</p>	<p style="text-align: right;">Page 233</p> <p>1 ROBERT L. VIGIL</p> <p>2 sheets, where did the information in</p> <p>3 column B come from?</p> <p>4 A. Same answer.</p> <p>5 Q. You just understand that it</p> <p>6 came from StockX?</p> <p>7 A. StockX provided the</p> <p>8 spreadsheet. I don't remember where they</p> <p>9 got the information that's contained in</p> <p>10 the spreadsheet.</p> <p>11 Q. And you never asked anyone at</p> <p>12 StockX how they obtained this information</p> <p>13 from GOAT?</p> <p>14 A. No.</p> <p>15 Q. Did you ask them whether they</p> <p>16 actually obtained this information</p> <p>17 directly from GOAT?</p> <p>18 A. No, because whether they</p> <p>19 obtained it from GOAT directly, or</p> <p>20 whether they obtained it from some other</p> <p>21 third-party source it doesn't really</p> <p>22 matter.</p> <p>23 Q. Why not?</p> <p>24 A. Because it's not unusual to</p> <p>25 rely on information that comes from third</p>

<p style="text-align: right;">Page 234</p> <p>1 ROBERT L. VIGIL</p> <p>2 parties, just like it's not unusual to</p> <p>3 rely on information that comes from the</p> <p>4 first source. So I routinely rely upon</p> <p>5 information that comes from third</p> <p>6 parties, data collection services.</p> <p>7 Q. Did you ask any questions or do</p> <p>8 anything to confirm whether the</p> <p>9 information in column B of the observed</p> <p>10 sales sheets and the observed transaction</p> <p>11 sheets was accurate?</p> <p>12 A. I didn't verify the numbers</p> <p>13 that are shown on this document.</p> <p>14 Q. How do you know that it's</p> <p>15 reliable to rely on this document?</p> <p>16 A. It's my understanding that this</p> <p>17 is the type of information that StockX</p> <p>18 obtains and has utilized in the past.</p> <p>19 And so to the extent that they have</p> <p>20 utilized this type of information, I</p> <p>21 don't believe that they would utilize</p> <p>22 information that's unreliable.</p> <p>23 Q. You're just speculating about</p> <p>24 how StockX has obtained this information,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 236</p> <p>1 ROBERT L. VIGIL</p> <p>2 expect that.</p> <p>3 Q. Why not?</p> <p>4 A. I rely on data collected from</p> <p>5 third-party sources all the time. As an</p> <p>6 example, if I am working on a case and I</p> <p>7 need to identify what the market share of</p> <p>8 a particular company is, then we will</p> <p>9 obtain that data from any number of</p> <p>10 different data sources such as IMS or</p> <p>11 other sources. IMS doesn't tell me that</p> <p>12 specific information about each company</p> <p>13 whose data is included in the</p> <p>14 spreadsheet.</p> <p>15 Q. And you trust data that you</p> <p>16 receive from IMS, correct?</p> <p>17 A. I do. And the fact that StockX</p> <p>18 would obtain this information and utilize</p> <p>19 it itself tells me that it's reliable</p> <p>20 information. Because it wouldn't make</p> <p>21 sense that StockX would obtain and</p> <p>22 utilize information that they believed</p> <p>23 was inaccurate.</p> <p>24 Q. Do you know whether StockX</p> <p>25 utilizes the information that's in column</p>
<p style="text-align: right;">Page 235</p> <p>1 ROBERT L. VIGIL</p> <p>2 A. No, I am not speculating one</p> <p>3 way or the other. As I mentioned</p> <p>4 earlier, it doesn't matter where they</p> <p>5 obtained it, whether they obtained it</p> <p>6 directly from GOAT or whether they</p> <p>7 obtained it from a third-party service</p> <p>8 that provided the information is not</p> <p>9 necessary for my use of the data.</p> <p>10 Q. But you don't know where this</p> <p>11 data came from, correct?</p> <p>12 A. I don't. And I don't need to</p> <p>13 know where it came from.</p> <p>14 Q. And StockX didn't provide you</p> <p>15 with any documents from GOAT regarding</p> <p>16 its financials or the volume of sales or</p> <p>17 transactions on its platform, correct?</p> <p>18 A. I don't believe that I have</p> <p>19 information directly from GOAT.</p> <p>20 Q. And StockX didn't provide you</p> <p>21 with any testimony from any GOAT</p> <p>22 employees explaining the data that you</p> <p>23 see here in the Observed Sales and</p> <p>24 Observed Transactions column, correct?</p> <p>25 A. Correct, I wouldn't necessarily</p>	<p style="text-align: right;">Page 237</p> <p>1 ROBERT L. VIGIL</p> <p>2 B of the observed sales and observed</p> <p>3 transactions?</p> <p>4 A. It's my understanding that the</p> <p>5 information that's in this spreadsheet is</p> <p>6 the type of information that StockX would</p> <p>7 utilize. Whether they've utilized this</p> <p>8 specific cut of the data, I don't know.</p> <p>9 But it's not unusual for a company like</p> <p>10 StockX to obtain and utilize data from</p> <p>11 third parties that identify relative</p> <p>12 sales over a period of time.</p> <p>13 And I should note that data</p> <p>14 that are included in Exhibit 10 are</p> <p>15 consistent with other things that I have</p> <p>16 seen. So as I note in my expert report,</p> <p>17 this data shows that after the alleged</p> <p>18 false claims were changed, there was no</p> <p>19 impact on the relative sales of the two</p> <p>20 companies and that is very consistent</p> <p>21 with other evidence, including evidence</p> <p>22 from Ms. Butler's survey. It's</p> <p>23 consistent with evidence regarding the</p> <p>24 repeat purchase rate of customers that</p> <p>25 obtain a suspected inauthentic product.</p>



<p style="text-align: right;">Page 242</p> <p>1 ROBERT L. VIGIL</p> <p>2 platform, correct?</p> <p>3 A. The documents that I reviewed</p> <p>4 suggest that the existence of the</p> <p>5 inspection and verification process that</p> <p>6 StockX undertakes on its platform, that</p> <p>7 that process can impact the purchase</p> <p>8 decision.</p> <p>9 Q. You agree that you've reviewed</p> <p>10 StockX documents that identify</p> <p>11 authenticity as either very important or</p> <p>12 as somewhat important reason for</p> <p>13 consumers' purchasing decisions on the</p> <p>14 StockX platform, correct?</p> <p>15 A. I reviewed a survey that</p> <p>16 evidenced that for some consumers that</p> <p>17 authenticity is important.</p> <p>18 Q. If you turn to paragraph 60 of</p> <p>19 your first submitted rebuttal report,</p> <p>20 please.</p> <p>21 A. I should clarify my last answer</p> <p>22 for authenticity. One can't infer that</p> <p>23 that means no expectation of ever</p> <p>24 receiving an inauthentic product. It's</p> <p>25 my understanding that there is evidence</p>	<p style="text-align: right;">Page 244</p> <p>1 ROBERT L. VIGIL</p> <p>2 platform, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And those are speed of</p> <p>5 delivery, availability of scarce or</p> <p>6 unique products, price transparency,</p> <p>7 value for the price and customer</p> <p>8 experience, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Have you quantified the amount</p> <p>11 that speed of delivery impacts a</p> <p>12 consumer's decision to purchase sneakers</p> <p>13 on the StockX platform?</p> <p>14 A. No.</p> <p>15 Q. What portion of StockX's</p> <p>16 revenues of Jordan and Nike-branded</p> <p>17 sneakers during the relevant time period</p> <p>18 was due to speed of delivery?</p> <p>19 A. I don't know.</p> <p>20 Q. Have you quantified the amount</p> <p>21 that scarcity of the product impacts</p> <p>22 consumer's decisions to purchase sneakers</p> <p>23 on a StockX platform?</p> <p>24 A. No. The only thing that I</p> <p>25 quantified is the amount of trades</p>
<p style="text-align: right;">Page 243</p> <p>1 ROBERT L. VIGIL</p> <p>2 that that is not how those consumers view</p> <p>3 the word "authentic."</p> <p>4 Q. That's okay, Dr. Vigil. That's</p> <p>5 not responsive to my question. So I</p> <p>6 believe you already answered my question,</p> <p>7 and now you're just adding additional</p> <p>8 stuff that wasn't responsive. So let's</p> <p>9 move on to my next question.</p> <p>10 A. Your question asked about</p> <p>11 whether I saw evidence that authenticity</p> <p>12 was important in the purchase decision.</p> <p>13 And I said yes, but I think it's</p> <p>14 important to clarify that what was meant</p> <p>15 by authenticity wasn't necessarily that a</p> <p>16 person was going to get with certainty an</p> <p>17 authentic product. I have not seen that</p> <p>18 evidence.</p> <p>19 You said paragraph 60?</p> <p>20 Q. I said paragraph 60.</p> <p>21 A. Okay.</p> <p>22 Q. In paragraph 60 you identify</p> <p>23 what you believe to be several other</p> <p>24 factors that may drive consumer</p> <p>25 purchasing decisions on the StockX</p>	<p style="text-align: right;">Page 245</p> <p>1 ROBERT L. VIGIL</p> <p>2 related to the at issue claims in this</p> <p>3 case, which is what my assignment was.</p> <p>4 My assignment wasn't to quantify the</p> <p>5 amount of trades due to each of these</p> <p>6 other factors.</p> <p>7 Q. What portion of StockX's</p> <p>8 revenues for Jordan and Nike-branded</p> <p>9 sneakers during the relevant time period</p> <p>10 was due to scarcity of the product?</p> <p>11 A. I don't know the amount that</p> <p>12 was due only and specifically to the</p> <p>13 availability of scarce or unique</p> <p>14 products, because the purchase decision</p> <p>15 is multifaceted and people make decisions</p> <p>16 for more than one reason. So I don't</p> <p>17 think it's possible to say how much was</p> <p>18 specifically and only due to that factor.</p> <p>19 And the only thing that I quantified as I</p> <p>20 mention in this case is, as I mentioned</p> <p>21 before, was the amount that's</p> <p>22 specifically due to the at issue claims.</p> <p>23 Q. Okay. Have you quantified the</p> <p>24 amount that value for the price impacts</p> <p>25 consumer purchase decisions of sneakers</p>



<p style="text-align: right;">Page 246</p> <p>1 ROBERT L. VIGIL</p> <p>2 on the StockX platform?</p> <p>3 A. My answer would be the same.</p> <p>4 There is no way to specifically separate</p> <p>5 the impact of that from other things.</p> <p>6 And the only thing that I was able to</p> <p>7 separate out was the impact of the at</p> <p>8 issue claims.</p> <p>9 Q. What portion of StockX's</p> <p>10 revenues in Jordan and Nike-branded</p> <p>11 sneakers during the relevant time period</p> <p>12 was due to value for the price?</p> <p>13 A. Same answer. The information</p> <p>14 that I received was insufficient to</p> <p>15 separately identify how much was due to</p> <p>16 that versus other factors. The only</p> <p>17 thing that I was able to separate out was</p> <p>18 the impact of the alleged false claims.</p> <p>19 Q. Have you quantified the amount</p> <p>20 that customer experience impacts</p> <p>21 consumer's purchasing decision of</p> <p>22 sneakers on the StockX platform?</p> <p>23 A. Same response. There is not</p> <p>24 enough data to separately identify how</p> <p>25 much of the purchase decision was related</p>	<p style="text-align: right;">Page 248</p> <p>1 ROBERT L. VIGIL</p> <p>2 Q. What portion of StockX's</p> <p>3 revenues of Nike and Jordan-branded</p> <p>4 sneakers during the relevant time period</p> <p>5 was due to StockX having an</p> <p>6 authentication process?</p> <p>7 MR. RIEHL: Objection.</p> <p>8 A. I don't know specifically how</p> <p>9 much was due to just the process. The</p> <p>10 only thing I know is how much was due to</p> <p>11 the at issue claims.</p> <p>12 Q. Have you quantified the value</p> <p>13 to consumers for StockX performing a</p> <p>14 verification that is unrelated to the</p> <p>15 authenticity determination of the</p> <p>16 sneaker?</p> <p>17 MR. RIEHL: Objection.</p> <p>18 A. I am sorry, can you repeat the</p> <p>19 question?</p> <p>20 MR. MILLER: Can you read that</p> <p>21 back, please?</p> <p>22 [The requested portion of the</p> <p>23 record was read back as follows:</p> <p>24 "Question: Have you quantified</p> <p>25 the value to consumers for StockX</p>
<p style="text-align: right;">Page 247</p> <p>1 ROBERT L. VIGIL</p> <p>2 to that factor compared to other factors.</p> <p>3 The only thing that was possible was to</p> <p>4 identify the impact of the at issue</p> <p>5 claims.</p> <p>6 Q. What portion of StockX's</p> <p>7 revenue of Jordan and Nike-branded</p> <p>8 sneakers during the relevant time period</p> <p>9 was due to customer experience?</p> <p>10 A. Same response. Insufficient</p> <p>11 data to be able to separate out how much</p> <p>12 of an impact that factor had by itself,</p> <p>13 compared to other factors, given that the</p> <p>14 purchase decision is multifaceted. The</p> <p>15 only information that existed that would</p> <p>16 have allowed this type of a comparison</p> <p>17 would be such that I can separate out how</p> <p>18 much was due to the at issue claims.</p> <p>19 Q. Have you quantified the value</p> <p>20 to StockX of having an authentication</p> <p>21 process?</p> <p>22 MR. RIEHL: Objection.</p> <p>23 A. No. I have identified how much</p> <p>24 of the value that StockX received as a</p> <p>25 result of the at issue claims.</p>	<p style="text-align: right;">Page 249</p> <p>1 ROBERT L. VIGIL</p> <p>2 performing a verification that is</p> <p>3 unrelated to the authenticity</p> <p>4 determination of the sneaker?"]</p> <p>5 MR. RIEHL: Objection.</p> <p>6 A. I'm not sure how to answer that</p> <p>7 question. I don't think I understand the</p> <p>8 question.</p> <p>9 Q. What don't you understand?</p> <p>10 A. I don't understand what you're</p> <p>11 asking.</p> <p>12 Q. Why not? How can I clarify?</p> <p>13 What don't you understand about it?</p> <p>14 A. Maybe if you reworded it. Not</p> <p>15 just reread it but reworded it, I can try</p> <p>16 to give you a better answer.</p> <p>17 Q. Let's look at paragraph 62 of</p> <p>18 your first amended rebuttal report.</p> <p>19 A. Okay.</p> <p>20 Q. The second sentence of</p> <p>21 paragraph 62 you write, "Mr. Hansen</p> <p>22 attributes no separate value to StockX's</p> <p>23 authentication process apart from the</p> <p>24 alleged false claims," okay?</p> <p>25 A. I see that, yes.</p>

<p style="text-align: right;">Page 250</p> <p>1 ROBERT L. VIGIL</p> <p>2 Q. So let me ask you a question</p> <p>3 about that first.</p> <p>4 Did you ascribe or calculate a</p> <p>5 value to StockX's authentication process,</p> <p>6 apart from the alleged false claims?</p> <p>7 A. Yes. Most of the value that</p> <p>8 I've seen comes from other aspects of the</p> <p>9 inspection and verification process,</p> <p>10 besides the alleged false claims. And</p> <p>11 you can see that by looking at the test</p> <p>12 and control study that was performed by</p> <p>13 Ms. Butler.</p> <p>14 Q. Have you quantified the value</p> <p>15 of the other aspects of StockX's</p> <p>16 inspection and verification process,</p> <p>17 apart from the alleged false claims?</p> <p>18 A. I am relying on evidence</p> <p>19 regarding that quantification that comes</p> <p>20 from Ms. Butler's survey. But her, the</p> <p>21 control group of her study measures that</p> <p>22 information. And when compared to the</p> <p>23 test group, you're able to determine how</p> <p>24 much was due to the alleged false claims</p> <p>25 as opposed to other factors.</p>	<p style="text-align: right;">Page 252</p> <p>1 ROBERT L. VIGIL</p> <p>2 StockX providing consumer historical</p> <p>3 sales data?</p> <p>4 A. The same answer. There was not</p> <p>5 enough information to be able to</p> <p>6 separately identify how much would impact</p> <p>7 that factor by itself had on consumer's</p> <p>8 decision to use the StockX platform. The</p> <p>9 only information that exists -- existed</p> <p>10 only enabled me to identify how much of</p> <p>11 the purchase decision was related to the</p> <p>12 at issue claims.</p> <p>13 Q. And the only information that</p> <p>14 existed that enabled you to identify how</p> <p>15 much the purchase decision, was related</p> <p>16 to the at issue claims was Sarah Butler's</p> <p>17 survey; is that right?</p> <p>18 MR. RIEHL: Objection.</p> <p>19 A. In terms of quantifying the</p> <p>20 specific percentage of trades related to</p> <p>21 different factors, the only thing that</p> <p>22 was possible was information -- sorry,</p> <p>23 let me restate that.</p> <p>24 Q. Why don't I ask my question</p> <p>25 again. The only information that existed</p>
<p style="text-align: right;">Page 251</p> <p>1 ROBERT L. VIGIL</p> <p>2 Q. Putting aside your reliance on</p> <p>3 Ms. Butler's survey, have you quantified</p> <p>4 the value of the other aspects of</p> <p>5 StockX's inspection and verification</p> <p>6 process apart from the alleged false</p> <p>7 claims?</p> <p>8 A. Not separate from my reliance</p> <p>9 on Ms. Butler's survey.</p> <p>10 Q. Have you quantified the amount</p> <p>11 that StockX providing historical sales</p> <p>12 data to consumers impacts consumer's</p> <p>13 purchase decisions to purchase sneakers</p> <p>14 on the StockX platform?</p> <p>15 A. No, there was insufficient</p> <p>16 information to be able to identify how</p> <p>17 much that one factor by itself impacted</p> <p>18 the purchase decision. The only thing</p> <p>19 that was possible was to identify how</p> <p>20 much of an impact the alleged false</p> <p>21 claims had on the consumer's decision to</p> <p>22 use the StockX platform.</p> <p>23 Q. What portion of StockX's</p> <p>24 revenue for Nike and Jordan brand sneaker</p> <p>25 trades for the relevant period was due to</p>	<p style="text-align: right;">Page 253</p> <p>1 ROBERT L. VIGIL</p> <p>2 that enabled you to identify how much the</p> <p>3 purchase decision was related to the at</p> <p>4 issue claims was Sarah Butler's survey;</p> <p>5 is that right?</p> <p>6 MR. RIEHL: Objection.</p> <p>7 A. Can you repeat that one more</p> <p>8 time?</p> <p>9 [The requested portion of the</p> <p>10 record was read back as follows:</p> <p>11 "Question: The only information</p> <p>12 that existed that enabled you to</p> <p>13 identify how much the purchase</p> <p>14 decision was related to the at issue</p> <p>15 claims was Sarah Butler's survey; is</p> <p>16 that right?"]</p> <p>17 MR. RIEHL: Objection.</p> <p>18 A. No, that's not correct. Ms.</p> <p>19 Butler's survey was the information that</p> <p>20 enabled a specific percentage, but there</p> <p>21 is lots of information that I reviewed</p> <p>22 that provided information about the value</p> <p>23 or importance of lots of different</p> <p>24 features on the StockX platform, and the</p> <p>25 value or lack thereof regarding the at</p>

<p style="text-align: right;">Page 254</p> <p>1 ROBERT L. VIGIL</p> <p>2 issue claims.</p> <p>3 Q. So despite having been provided</p> <p>4 lots of information about the different</p> <p>5 features on the StockX platforms, and the</p> <p>6 value or lack thereof regarding the at</p> <p>7 issue claims, you didn't independently</p> <p>8 quantify the value of any of those</p> <p>9 features, correct?</p> <p>10 A. The only quantification that I</p> <p>11 did regarding how much of the --</p> <p>12 regarding the specific percentage of the</p> <p>13 at issue trades that were related to the</p> <p>14 at issue claims came from Sarah Butler's</p> <p>15 survey. But there is a lot of</p> <p>16 information that I relied upon that</p> <p>17 supported quantitatively that result.</p> <p>18 Actually, I should say that's not quite</p> <p>19 right, because the other evidence that I</p> <p>20 reviewed that helped me to quantify the</p> <p>21 importance or value of the at issue</p> <p>22 trades also included the StockX and GOAT</p> <p>23 weekly transaction data. So that</p> <p>24 analysis that was performed allowed me to</p> <p>25 determine how valuable or not the at</p>	<p style="text-align: right;">Page 256</p> <p>1 ROBERT L. VIGIL</p> <p>2 the right make or model?</p> <p>3 A. Not specifically, no. But in</p> <p>4 some sense those things are related to</p> <p>5 the at issue claims, but to the extent</p> <p>6 they are related to the at issue claims,</p> <p>7 then I am providing an opinion regarding</p> <p>8 those things.</p> <p>9 Q. Have you quantified the number</p> <p>10 of purchasers that have made repeat</p> <p>11 purchases of Nike or Jordan sneakers on</p> <p>12 the StockX platform after receiving a</p> <p>13 counterfeit product from StockX?</p> <p>14 A. My recollection is that</p> <p>15 percentage is 40 to 50 percent.</p> <p>16 Q. Sorry, 40 to 50 percent of</p> <p>17 what?</p> <p>18 A. 40 to 50 percent of customers</p> <p>19 that receive a suspected inauthentic</p> <p>20 product used the StockX platform again.</p> <p>21 So their repeat purchase rate for those</p> <p>22 consumers is 40 to 50 percent, which is</p> <p>23 similar to the overall repurchase rate</p> <p>24 for StockX.</p> <p>25 Q. To be more specific, 40 to 50</p>
<p style="text-align: right;">Page 255</p> <p>1 ROBERT L. VIGIL</p> <p>2 issue claims were to the Nike trades at</p> <p>3 issue.</p> <p>4 So at least those two things</p> <p>5 allowed me to quantify that impact. And</p> <p>6 both of those analyses, Ms. Butler's</p> <p>7 survey and the GOAT StockX comparison,</p> <p>8 that difference and difference</p> <p>9 regression, resulted in similar results.</p> <p>10 They confirmed each other's validity.</p> <p>11 Q. You're not offering an opinion</p> <p>12 in this case that a certain percentage of</p> <p>13 StockX's revenues on trades of Nike and</p> <p>14 Jordan sneakers during the relevant time</p> <p>15 period could be attributed to StockX</p> <p>16 verifying that the sneakers were the</p> <p>17 correct size, correct?</p> <p>18 A. No.</p> <p>19 Q. And you're not offering an</p> <p>20 opinion in this case that a certain</p> <p>21 percentage of StockX's revenues on trades</p> <p>22 of Nike and Jordan sneakers during the</p> <p>23 relevant time period could be attributed</p> <p>24 to StockX verifying that the sneakers</p> <p>25 that the customer purchased are actually</p>	<p style="text-align: right;">Page 257</p> <p>1 ROBERT L. VIGIL</p> <p>2 percent of consumers that received a</p> <p>3 counterfeit product from StockX and</p> <p>4 complained to StockX about receiving the</p> <p>5 counterfeit product, correct?</p> <p>6 A. No, I don't know that that's</p> <p>7 correct.</p> <p>8 Q. Are you offering an opinion</p> <p>9 that 40 to 50 percent of all consumers</p> <p>10 that received a counterfeit product from</p> <p>11 StockX, then went back and repurchased a</p> <p>12 Nike shoe from StockX?</p> <p>13 A. I am offering an opinion that</p> <p>14 StockX has determined that 40 to 50</p> <p>15 percent of consumers that received a</p> <p>16 product that StockX believes is suspected</p> <p>17 of being inauthentic come back and used</p> <p>18 the platform again.</p> <p>19 Q. And in order to be counted in</p> <p>20 that pool of customers, a consumer has to</p> <p>21 have realized that it received a</p> <p>22 counterfeit product and complained to</p> <p>23 StockX, correct?</p> <p>24 A. No, I don't think that's</p> <p>25 correct at all. I think a customer sends</p>

<p style="text-align: right;">Page 258</p> <p>1 ROBERT L. VIGIL</p> <p>2 -- the supplier sends the product to</p> <p>3 StockX for inspection of and. And StockX</p> <p>4 could, as part of that inspection and</p> <p>5 verification, determine that it suspects</p> <p>6 the product to be inauthentic before it's</p> <p>7 even sent to the buyer. So I don't think</p> <p>8 it's necessary that the buyer has to</p> <p>9 receive the product and then complain.</p> <p>10 Q. But in that hypothetical you</p> <p>11 just offered, there is no transaction.</p> <p>12 If StockX stops the suspected counterfeit</p> <p>13 from ever going to the buyer, there is no</p> <p>14 buyer?</p> <p>15 A. There is a buyer, it's just</p> <p>16 that the buyer is not buying the</p> <p>17 suspected inauthentic product. The buyer</p> <p>18 is buying another product.</p> <p>19 Q. What are they buying, what they</p> <p>20 are receiving then?</p> <p>21 A. Another product that StockX</p> <p>22 believes is authentic.</p> <p>23 Q. And you believe that StockX</p> <p>24 informs that buyer that the reason they</p> <p>25 didn't receive the shoe was because it</p>	<p style="text-align: right;">Page 260</p> <p>1 ROBERT L. VIGIL</p> <p>2 A. I believe that for the</p> <p>3 consumers that utilize the StockX</p> <p>4 platform, that it's important to many of</p> <p>5 them that the products that they are</p> <p>6 purchasing have gone through an</p> <p>7 inspection and verification process</p> <p>8 whereby StockX expresses a belief that</p> <p>9 the product is authentic.</p> <p>10 Q. Are you relying on Sarah</p> <p>11 Butler's survey to offer an opinion that</p> <p>12 past purchasers on the StockX platform of</p> <p>13 Nike or Jordan-branded sneakers were not</p> <p>14 influenced by the alleged false</p> <p>15 advertising claims tested in her survey?</p> <p>16 A. I am relying on the results of</p> <p>17 her survey which suggest that the alleged</p> <p>18 false claims did not have an impact on</p> <p>19 consumers' likelihood of using the StockX</p> <p>20 platform.</p> <p>21 Q. Is that true for the past</p> <p>22 purchasers of Nike and Jordan-branded</p> <p>23 sneakers during the relevant time period?</p> <p>24 MR. RIEHL: Objection.</p> <p>25 A. I believe her survey shows that</p>
<p style="text-align: right;">Page 259</p> <p>1 ROBERT L. VIGIL</p> <p>2 was stopped by StockX's authenticators as</p> <p>3 being counterfeit?</p> <p>4 A. I don't know, one way or the</p> <p>5 other.</p> <p>6 Q. Is it your opinion that a</p> <p>7 consumer would be willing to spend a</p> <p>8 thousand dollars on a counterfeit Nike or</p> <p>9 Jordan sneaker?</p> <p>10 MR. RIEHL: Objection.</p> <p>11 A. I don't have an opinion about</p> <p>12 that, one way or the other.</p> <p>13 Q. Do you believe a sneaker-head</p> <p>14 would be willing to pay a thousand</p> <p>15 dollars on a counterfeit Nike or Jordan</p> <p>16 sneaker?</p> <p>17 MR. RIEHL: Objection.</p> <p>18 A. I don't have an opinion about</p> <p>19 that, one way or the other.</p> <p>20 Q. Do you think a sneaker-head who</p> <p>21 is willing to spend a thousand dollars on</p> <p>22 a Nike or Jordan-branded sneaker believes</p> <p>23 that getting an authentic sneaker is</p> <p>24 important?</p> <p>25 MR. RIEHL: Objection.</p>	<p style="text-align: right;">Page 261</p> <p>1 ROBERT L. VIGIL</p> <p>2 result for past purchasers as well as</p> <p>3 just for future purchasers.</p> <p>4 MR. MILLER: Subject to any</p> <p>5 redirect from your counsel, I don't</p> <p>6 have any further questions for you,</p> <p>7 Dr. Vigil.</p> <p>8 MR. RIEHL: No redirect from us.</p> <p>9 THE VIDEOGRAPHER: This marks</p> <p>10 the end of the deposition. We are</p> <p>11 going off the record at 5:48 p.m.</p> <p>12 (Time noted: 5:48 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



**Deposition Date: 8/22/2023****Deponent: Dr. Robert L. Vigil – Errata Sheet****Case Name: Nike, Inc. v. StockX LLC, No. 22 CV 983 (VC)**

<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
10:12-13	would be <b>the most important.</b>	would be <b>very well supported.</b>	Clarification
20:25	They <b>can</b> use	They <b>tend to</b> use	Clarification
23:21	<b>expect</b> report	<b>expert</b> report	Transcription Error
24:5	<b>sneaker-heads</b>	<b>sneakerheads</b>	Typographical Error
24:7-8	include the deposition	include, <b>I believe</b> , the deposition	Clarification
29:8	<b>conversation</b> with StockX	<b>conversations</b> with counsel for StockX	Transcription Error
30:3	do anything to	do anything <b>else</b> to	Transcription Error
33:13	Consulting, LLC	Consulting LLC	Typographical Error
35:15	Edwards <b>Life Sciences</b>	Edwards <b>Lifesciences</b>	Typographical Error
35:16	<b>Merrill</b> Life Sciences	<b>Meril</b> Life Sciences	Typographical Error
37:16	<b>Edward</b>	<b>Edwards</b>	Clarification



**Deposition Date: 8/22/2023****Deponent: Dr. Robert L. Vigil – Errata Sheet****Case Name: Nike, Inc. v. StockX LLC, No. 22 CV 983 (VC)**

<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
37:16-17	<b>Life Sciences</b>	<b>Lifesciences</b>	Typographical Error
39:23	<b>team's</b>	<b>Teams</b>	Typographical error
40:16	And does	And <b>what</b> does	Transcription Error
44:11	that <b>were related</b> to	that <b>relate</b> to	Transcription Error
44:22-23	or <b>to</b> the extent	or the extent	Transcription Error
47:23-24	mentioned related	mentioned <b>also</b> related	Transcription Error
55:16	<b>relative</b>	<b>relevant</b>	Transcription Error
64:25	variable and the fixed costs	variable <b>costs</b> and the fixed costs	Transcription Error
66:22	platform trading	platform's trading	Transcription Error
70:17	determinative. What is	determinative. <b>That</b> what is	Transcription Error
73:23	actual	actually	Transcription error
73:23-24	believes whether	believes <b>regarding</b> whether	Transcription Error

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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
77:13	<b>Brian</b>	<b>Ryan</b>	Transcription Error
77:22-23	<b>Diraj Chaudhry</b>	<b>Dheeraj Chaudhary</b>	Typographical Error
100:5-6	<b>King and Spaulding</b>	<b>King &amp; Spalding</b>	Transcription Error
100:7	<b>TG Linea</b>	<b>TIGI Linea</b>	Transcription Error
101:22	<b>sneaker-heads</b>	<b>sneakerheads</b>	Typographical Error
105:9	premiums, to <b>such an</b> extent	premiums, <b>and so to the</b> extent	Transcription Error
105:22	<b>anything</b>	<b>any</b>	Transcription Error
118:2	contribution <b>market</b>	contribution <b>margin</b>	Transcription Error
118:14	categories data	categories <b>of</b> data	Transcription Error
123:11	<b>company's</b>	<b>companies</b>	Typographical Error
126:21	Other than I	Other than <b>that</b> I	Transcription Error
129:6	<b>there is</b>	<b>bears on</b>	Clarification

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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
136:22	Stockx's	StockX's	Typographical Error
136:19	Stockx's	StockX's	Typographical Error
136:20	Stockx's	StockX's	Typographical Error
138:3	Stockx's	StockX's	Typographical Error
138:7	Stockx's	StockX's	Typographical Error
138:11	Stockx's	StockX's	Typographical Error
138:17	Stockx's	StockX's	Typographical Error
138:20	Stockx's	StockX's	Typographical Error
138:23	of false claims	of <b>the alleged</b> false claims	Transcription Error
139:2	Stockx's	StockX's	Typographical Error
139:8	Stockx's	StockX's	Typographical Error
139:12	for alleged	for <b>the</b> alleged	Transcription Error
139:15	Stockx's	StockX's	Typographical Error

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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
139:20	Stockx's	StockX's	Typographical Error
139:23	Stockx's	StockX's	Typographical Error
139:16	<b>Nike</b>	<b>StockX</b>	Clarification
139:24	sale <b>and</b> of	sale of	Transcription Error
140:4	Stockx's	StockX's	Typographical Error
141:10	Stockx's	StockX's	Typographical Error
142:25	<b>legitimate</b>	<b>illegitimate</b>	Transcription Error
143:24	Stockx's	StockX's	Typographical Error
144:4	Stockx's	StockX's	Typographical Error
144:5	<b>contain</b> 99.6	<b>maintain a</b> 99.6	Transcription Error
145:10	Stockx's	StockX's	Typographical Error
145:19	Stockx's	StockX's	Typographical Error
146:25	Stockx's	StockX's	Typographical Error

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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
147:6	Stockx's	StockX's	Typographical Error
147:12	Stockx's	StockX's	Typographical Error
147:18	Stockx's	StockX's	Typographical Error
147:22	Stockx's	StockX's	Typographical Error
147:25	Stockx's	StockX's	Typographical Error
148:4	Stockx's	StockX's	Typographical Error
148:9	Stockx's	StockX's	Typographical Error
149:12	anything	an opinion	Transcription Error
149:22	Stockx's	StockX's	Typographical Error
150:4	Stockx's	StockX's	Typographical Error
151:3	Stockx's	StockX's	Typographical Error
151:4	Stockx's	StockX's	Typographical Error
151:8	that <b>the</b> evidence	that <b>there is</b> evidence	Transcription Error

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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
151:17	Stockx's	StockX's	Typographical Error
151:22	my footnotes	these footnotes	Transcription Error
152:3	Stockx's	StockX's	Typographical Error
153:16	know about	know <b>beyond that</b> about	Transcription Error
156:9	Stockx's	StockX's	Typographical Error
156:18-19	listing.” And	listing, and	Typographical Error
156:19-21	Nike's <b>brand protection</b> director of <b>authentication</b> and <b>innovation</b>	Nike's <b>Brand Protection</b> Director of <b>Authentication</b> and <b>Innovation</b>	Typographical Error
156:21-22	StockX and Nike- <b>branded protection</b>	StockX and Nike <b>Brand</b> <b>Protection</b>	Transcription/Typographical Error
157:2	counterfeit	counterfeits	Transcription Error
157:23	StockX Trading	StockX's Trading	Transcription Error
158:5	Stockx's	StockX's	Typographical Error
158:17	Stockx's	StockX's	Typographical Error



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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
158:22	Stockx's	StockX's	Typographical Error
<b>159:3</b>	<b>Stockx's</b>	<b>StockX's</b>	<b>Typographical Error</b>
159:5	The opinions	<b>All of</b> the opinions	Transcription Error
159:14	Stockx's	StockX's	Typographical Error
159:20	Stockx's	StockX's	Typographical Error
159:23	Court	court	Typographical Error
159:23	may	might	Transcription Error
160:4	Stockx's	StockX's	Typographical Error
160:6	I don't know one	I'm not sure one	Transcription Error
160:7	I don't know that that	I'm not sure what that	Transcription Error
160:10	why don't you	why do you	Transcription Error
161:19	Stockx's	StockX's	Typographical Error
163: 23	work. Who	work, who	Typographical Error

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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
166:23	of secondary	of <b>the</b> secondary	Transcription Error
167:9	<b>Nike's</b>	<b>StockX's</b>	Clarification
169:5	they <b>had</b> competitors	they <b>are</b> competitors	Transcription Error
170:7	<b>that</b>	<b>those same</b>	Clarification
179:5	the coefficient	the coefficients	Transcription Error
180:18	concerning two	concerning <b>the</b> two	Transcription Error
181:6-7	trades. <b>Then</b> , yes	trades, <b>then</b> , yes	Transcription Error
183:7-8	the level Nike and Jordan	the level <b>of</b> Nike and Jordan	Transcription Error
189:12	\$13.87	\$13.82	Transcription Error
189:17	13.80 <b>to</b>	13.82	Transcription Error
190:18	<b>of 43.32</b>	<b>before 3.32</b>	Transcription Error
191:3	it can be	you can think of it as	Transcription Error
194:21	specifically, to	specifically to	Typographical Error

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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
199:17	you that the	you that's the	Transcription Error
200:7	CM2, <b>they are not</b> deducting	CM2 <b>that I'm</b> deducting	Transcription Error
201:7	fluctuations <b>and</b> volume	fluctuations <b>in</b> volume	Transcription Error
201:15-16	the reason <b>is - - I could</b> clarify that	the reason <b>I</b> clarify that	Clarification
201:17	run, <b>but</b>	run,	Clarification
208:24	<b>find</b>	<b>identify</b>	Transcription Error
218:21-22	total <b>fixed operating,</b> fixed operations	total fixed operations	Clarification
224:21	<b>of</b> the	<b>on</b> the	Transcription Error
225:13	tech <b>and</b> fixed	tech fixed	Transcription Error
228:13	but <b>you</b>	but <b>I</b>	Transcription Error
229:2	Jordan didn't	Jordan <b>trades</b> didn't	Transcription Error
229:22-23	was produced in	was produced <b>to Nike</b> in	Transcription Error

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<b>Page(s): Line(s)</b>	<b>Now Reads</b>	<b>Should Read</b>	<b>Reason</b>
235:5	<b>it, whether</b>	<b>it. Knowing whether</b>	Clarification
237:7	utilize. <b>Whether</b> they've	utilize <b>or that</b> they've	Transcription Error
238:2-3	<b>a lot of other</b>	<b>lots of different</b>	Transcription Error
242:15-16	<b>a survey that evidenced</b>	<b>survey evidence</b>	Transcription Error
246:21	decision	decisions	Transcription Error
252:2	consumer	consumers	Transcription Error
254:16	<b>information</b>	<b>evidence</b>	Transcription Error
254:22	<b>trades</b>	<b>claims</b>	Transcription Error
255:8	difference <b>and</b> difference	difference <b>in</b> difference	Transcription Error
258:3	inspection <b>of and.</b>	inspection.	Transcription Error
259:2	<b>as</b>	<b>for</b>	Transcription Error
259:13	<b>sneaker-head</b>	<b>sneakerhead</b>	Typographical Error
259:20	<b>sneaker-head</b>	<b>sneakerhead</b>	Typographical Error

I, Dr. Robert L. Vigil, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on August 22, 2023; that I have made such corrections as appear noted herein; and that my testimony as contained herein, as corrected, is true and correct.

DATED this 26th day of September, 2023.

A handwritten signature in black ink, reading "Robert L. Vigil". The signature is written in a cursive style with a horizontal line underneath the name.

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Dr. Robert L. Vigil